IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHRISTOPHER JOHANNE)	
GARRIS, JR.,)	
)	
	Plaintiff,)	
)	1 1001/1107
V.)	1:12CV1187
C.C. AMEDETTE -4 -1)	
S.G. AVERETTE, et al.,)	
	Defendant(a))	
	Defendant(s).)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 7, 2012, was served on the parties in this action. The Recommendation was mailed to Plaintiff at the last address provided by Plaintiff, but was returned to the Court as undeliverable. (*See* Doc. dated Nov. 21, 2012.) Plaintiff has not provided a new address to the Court. No objections were filed within the time limits prescribed by § 636.

The fact that Plaintiff may not have received the Magistrate Judge's Recommendation does not affect the propriety of ruling on the Recommendation. Plaintiff has a duty to keep the Court informed of a current address. *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (per curiam); *Cantley v. W. Va. Reg l Jail Auth.*, No. 5:06CV3, 2006 U.S. Dist. LEXIS 28140 (N.D.W. Va. May 9, 2006). "[A] litigant who invokes the processes of the federal courts is responsible for maintaining communication with the court during the pendency of his lawsuit." *Soliman v. Johanns*, 412 F.3d 920, 922 (8th Cir. 2005); *see also Robinson v. Wix Filtration Corp. LLC*, 599

F.3d 403, 413 (4th Cir. 2010); *Irabor v. O'Neel*, No. A3-97-60, 1998 WL 1780650, at *1 (D.N.D. Mar. 10, 1998) (unpublished) ("One who does not keep the Court advised of his current address should not thereby be able to foreclose an opposing party from taking full advantage of the procedures which [the] Rules allow" (internal citation omitted)).

The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms and in the proper district, which corrects the defects cited in the Magistrate Judge's Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 7th day of December, 2012.

UNITED STATES DISTRICT JUDGE